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## Title 7—Agriculture

### AGRICULTURAL RESEARCH ADMINISTRATION

#### CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

##### PART 353—SANITARY EXPORT CERTIFICATION

## RULES AND REGULATIONS GOVERNING SANITARY EXPORT CERTIFICATION

### INTRODUCTORY NOTE

Authority to inspect and certify domestic plants and plant products to meet the sanitary requirements of foreign countries has for 19 years been contained in the annual appropriation acts of the Department of Agriculture. As of July 1, 1945, this authority is carried in the "Department of Agriculture Organic Act of 1944," approved September 21, 1944, paragraph (b) of section 102 of which reads as follows:

The Secretary of Agriculture is authorized and directed to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of domestic plants and plant products offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious insect pests and plant diseases according to the sanitary requirements of the foreign countries to which such products may be exported.

The only changes in this revision of the Regulations Governing Sanitary Export Certification, effective September 21, 1936, involve the listing of additional ports where plants and plant products may be inspected and certified (§ 353.3), and the elimination of the sections on fees (§ 353.8) and publications (§ 353.9).

### ORDER OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Secretary of Agriculture by section 102 (b) of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 724), Part 353, entitled "Sanitary Export Certification," Chapter III, Title 7, Code of Federal Regulations (Regulations Governing Sanitary Export Certification), is hereby revised to read as follows:

### REGULATIONS

**AUTHORITY:** §§ 353.1 to 353.7, inclusive, issued under § 102 (b), 58 Stat. 724.

§ 353.1. *Definitions.*—Words used in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

(a) *The Act.*—The act of Congress entitled "Department of Agriculture Organic Act of 1944," approved September 21, 1944 (58 Stat. 724), § 102 (b) (c).

(b) *Bureau.*—The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(c) *Products.*—Domestic plants and plant products.

(d) *Inspector.*—An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, or other person authorized by the Secretary of Agriculture to inspect and certify to shippers and other interested parties as to the sanitary condition of the products inspected under the act.

(e) *Office of inspection.*—The office of an inspector of products covered by the regulations in this part.

(f) *Certificate.*—A certificate of the sanitary condition of the products concerned, based on inspection of representative samples, issued by an inspector under the act.



(g) *Consignment*.—Any shipment of products assembled and inspected at one place at one time and covered by one application, or any mail shipment consigned to one consignee.

§ 353.2 *Administration*.—The Chief of the Bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

§ 353.3 *Where service is offered*.—Certification may be made at the following ports, where inspectors of the Bureau are located:

Atlanta, Ga.  
Baltimore, Md.  
Blaine, Wash.  
Boston, Mass.  
Brownsville, Tex.  
Buffalo, N. Y.  
Calexico, Calif.  
Charleston, S. C.  
Chicago, Ill.  
Cleveland, Ohio  
Dallas, Tex.  
Del Rio, Tex.  
Denver, Colo.  
Detroit, Mich.  
Douglas, Ariz.  
Eagle Pass, Tex.  
El Paso, Tex.  
Fort Worth, Tex.  
Galveston, Tex.  
Great Falls, Mont.

Hidalgo, Tex.  
Hoboken, N. J.  
Honolulu, Hawaii  
Houston, Tex.  
Jacksonville, Fla.  
Kansas City, Mo.  
Key West, Fla.  
Laredo, Tex.  
Los Angeles, Calif.  
Louisville, Ky.  
Memphis, Tenn.  
Miami, Fla.  
Mobile, Ala.  
Naco, Ariz.  
New Orleans, La.  
New York, N. Y.  
Nogales, Ariz.  
Norfolk, Va.  
Omaha, Nebr.  
Pensacola, Fla.

Philadelphia, Pa.  
Pittsburgh, Pa.  
Port Arthur, Tex.  
Port Everglades, Fla.  
Portland, Oreg.  
Presidio, Tex.  
Roma, Tex.  
Saint Louis, Mo.  
Saint Paul, Minn.  
San Antonio, Tex.  
San Diego, Calif.  
San Francisco, Calif.  
San Juan, P. R.  
San Pedro, Calif.  
San Ysidro, Calif.  
Savannah, Ga.  
Seattle, Wash.  
Tampa, Fla.

§ 353.4 *Products covered*.—Domestic plants and plant products when offered for export.

§ 353.5 *Application for certification*.—(a) A written application shall be made on forms provided for the purpose setting forth such information as is called for as far in advance as possible, and shall be filed in the office of inspection at the port of certification.

(b) Each application shall be deemed filed when delivered to the proper office of certification. When such application is filed, a record showing the date and time of filing shall be made in such office.

§ 353.6 *Inspection*.—(a) The applicant shall cause the product for which inspection is requested to be made accessible for inspection and identification and to be so placed as to permit efficient inspection for insects and plant diseases of representative samples of all grades or kinds of such product.

(b) All labor involved in the inspection, including the moving, opening, and closing of containers, shall be furnished by the applicant.

(c) Certificates may be refused for failure to carry out fully any of the foregoing provisions.

(d) No inspector shall inspect any products in which he or a member of his family is directly or indirectly financially interested.

§ 353.7 *Certificates*.—(a) For each consignment of products for which certification is requested, the inspector shall sign and issue a separate certificate based on the findings of the inspection.

(b) The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him.

(c) One copy of each certificate shall be filed in the office of certification, and one forwarded to the Chief of the Bureau.

(d) The Chief of the Bureau may authorize inspectors to issue certificates on the basis of inspections made by cooperating Federal and State agencies under requirements and conditions approved by him.

(e) Inspectors may issue new certificates on a basis of inspections for previous certifications when the previously issued certificates can be canceled before they have been accepted by the phytopathological authorities of the country of destination involved.

These revised rules and regulations shall be effective on and after July 1, 1945, and shall on that date supersede the regulations governing sanitary export certification promulgated September 19, 1936.

Done at the city of Washington this 29th day of May 1945.

Witness my hand and the seal of the United States Department of Agriculture.



GROVER B. HILL, *18892*  
Acting Secretary of Agriculture.



